

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Martin Bachmann

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Serial No.: 10/728,181

Group Art Unit: 3651

MAY 15 2007

Filed: December 4, 2003

Examiner: Dillon Jr., Joseph A.

For: METHOD AND DEVICE FOR TRANSPORTING
POWDERY SUBSTANCES

Attorney Docket No.: 060126.00223

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Election/Restriction Requirement mailed on March 15, 2007, the Applicant provisionally elects to prosecute claims 27 to 37 drawn to a method of moving powder.

The Applicant respectfully traverses the restriction requirement on the following grounds. New claims 38-41 are drawn to a method of moving powder in a manner similar to that claimed in independent claim 27. Specifically, both claims recite a piston in each chamber for moving powder in the absence of an independent pump. Therefore, the Applicant respectfully submits that the restriction requirement is improper and requests withdrawal of the restriction requirement.

Should the Examiner disagree with our traverse of the restriction requirement, Applicant respectfully requests that claims 38 through 41 be cancelled and prosecution of claims 27 through 37 proceed.

The Commissioner is authorized to charge our Deposit in the amount of \$120.00 as required for the filing of this Response. Also, if there are any additional fees due, the Commissioner is

Atty. Docket No. 060126.00223

authorized to charge our Deposit Account for those additional fees or credit the account for any overpayments regarding this Amendment.

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Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.



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Dated: May 15, 2007

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached Response to Restriction Requirement is being facsimile transmitted to the Commissioner for Patents and Trademarks, Alexandria, Virginia, to the attention of Examiner Joseph A. Dillon, Jr. from Group: 3651 to facsimile number (571) 273-8300 on May 15, 2007.



Tracy L. Smith